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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: GROUP: 2431

Takeshi SAITO, et al.

SERIAL NO: 10/599,958 EXAMINER: Vaughan, M.

FILED: December 14, 2006

FOR: RECEIVER, TRANSMITTER AND COMMUNICATION CONTROL PROGRAM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s). No more than five (5) pages are provided.

I am the attorney or agent of record.

Respectfully Submitted,

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IN RE APPLICATION OF	:
TAKESHI SAITO, ET AL.	: EXAMINER: VAUGHAN, M.
SERIAL NO: 10/599,958	:
FILED: DECEMBER 14, 2006	: GROUP ART UNIT: 2431
FOR: RECEIVER, TRANSMITTER AND COMMUNICATION CONTROL PROGRAM	:

PRE-APPEAL BRIEF REQUEST

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Claims 1-20 are present in this application and are rejected under 35 U.S.C. § 103(a), over U.S. 2005/0027984 (Saito et al.) in view of U.S. 2003/0197488 (Hulvey). Applicants respectfully request that a panel of examiners formally review the legal and factual basis of the rejection in this application.

The claims of the present application are directed to a transmitter, receiver and recording medium storing a communication control program. In the transmitter, a communication permission determination unit permits transmission of contents based upon a result of the round trip time (RTT) measurement. The parameter modification unit changes parameters of the wireless network, to improve the accuracy of the round trip time. The claimed transmitter has the advantageous effects in that parameters of the wireless network may be temporarily changed when RTT measurement is performed. In the recording medium, parameters of the wireless network are changed, the parameters improving accuracy

of the round trip time when the RTT measuring unit measures the round trip time. Therefore, no matter which type of communication mode is selected, it is possible to accurately measure RTT. This also can permit transmission of contents for which copyright protection is needed when the RTT is within a predetermined time. Accurately measuring the RTT makes it possible to transmit the contents within a limited space. A non-limiting example is shown in FIG. 9 of the present application.

Turning to the prior art rejection, Saito et al. discloses that during a registration mode, a short range transmitter is powered on. The parameters in Saito et al. are not changed when RTT measurement is performed. The transmitter of claim 1 and the receiver of claim 10 have a parameter modification unit configured to change the parameters improving accuracy of the RTT when the RTT measurement unit measures the RTT. In claim 19, parameters of the wireless network are changed when the RTT measurement is performed. In the Office Action, Saito et al. was found not to explicitly disclose the parameter modification unit of claims 1 and 10, or changing parameters of the wireless network in claim 19. Claims 1, 10 and 19 are clearly not disclosed or suggested by Saito et al.

The Office Action states that Hulvey teaches that in Blue Tooth communication, the SNIFF interval parameters influence latency between a master and slave device, referring to paragraph [0052]. The SNIFF interval also can be chosen based upon the desired latency (paragraph [0053]). The Office Action then finds it obvious that the SNIFF interval could cause inaccuracies in measuring RTT because the slave must wait before responding, and that a small SNIFF interval would allow the slave to respond faster, thus reducing the overhead attributed to waiting to reply. The Office Action concludes that minimizing response delay improves the accuracy of measuring RTT and that the effect of changing the SNIFF interval would be to improve the accuracy of the RTT. The Office Action only points to different

RTT measurements under different SNIFF intervals, not changing parameters when the RTT is measured.

Hulvey discloses in paragraph [0054] that a SNIFF interval is changed according to modes. An example given is where the suspend mode having a SNIFF interval longer than that used for the idle mode. However, there is no discussion in Hulvey of changing parameters of the wireless network when the RTT measurement is performed. Hulvey only discloses changing the SNIFF interval. In the transmitter and receiver in claims 1 and 10, the parameter modification unit is configured to change parameters of the wireless network when the RTT measurement is performed, the parameters improving accuracy of the roundtrip time when the RTT measuring unit measures the roundtrip time. Even if a variable SNIFF interval as taught by Hulvey could be included into the device of Saito et al., there would be no parameter modification unit which changes parameters of the wireless network when the RTT measurement is performed, as recited in claims 1 and 10. There is further no disclosure of changing network parameters, the changed parameters improving the RTT measurement when the RTT is measured, as recited in claim 19. It is respectfully submitted that claims 1, 10 and 19 would not be obvious from a combination of Saito et al. and Hulvey.

Respectfully submitted,

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